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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

FARZAD ALLAF-MOTEDAYEN,  
Plaintiff,  
v.  
SONOMA COUNTY CHILD  
PROTECTIVE SERVICES, et al.,  
Defendants.

Case No. 25-cv-03050-MMC

**ORDER DISMISSING THIRD  
AMENDED COMPLAINT WITHOUT  
FURTHER LEAVE TO AMEND;  
DIRECTIONS TO CLERK**

Before the Court is plaintiff Farzad Allaf-Motedayen's Third Amended Complaint ("TAC"), filed July 15, 2025 (Doc. No. 21). As plaintiff proceeds in forma pauperis, the Court must consider whether the TAC contains any cognizable claims. See 28 U.S.C. § 1915(e)(2) (providing, in action where plaintiff proceeds in forma pauperis, district court "shall" dismiss case if action "is frivolous or malicious," "fails to state a claim on which relief may be granted," or "seeks monetary relief against a defendant who is immune from such relief").

By order filed April 14, 2025, Magistrate Judge Sallie Kim, to whom the above-titled action was then assigned, dismissed plaintiff's initial complaint for failure to state a cognizable claim and afforded plaintiff leave to amend. Plaintiff filed a First Amended Complaint, and the Court, on May 15, 2025, dismissed the federal claims therein for failure to allege a cognizable claim, declined to exercise supplemental jurisdiction over plaintiff's state law claims, and afforded plaintiff another opportunity to amend. Plaintiff thereafter filed a Second Amended Complaint ("SAC"), and, by Order filed June 18, 2025 ("June 18 Order"), the Court, again, dismissed the federal claims for failure to state a claim, declined to exercise supplemental jurisdiction over plaintiff's state law claims, and

1 afforded plaintiff yet another opportunity to amend. Plaintiff then filed his TAC.

2 Having read and considered the TAC, the Court rules as follows.

3 **A. Federal Claims**

4 As the Court has federal question jurisdiction over some of the claims asserted in  
5 the TAC (see, e.g., TAC at 1-3),<sup>1</sup> the Court first considers whether plaintiff has stated a  
6 cognizable federal claim.

7 **1. Claim Based on Removal of Children**

8 "Claim One" includes a federal claim based on the removal of plaintiff's three  
9 children from his custody.

10 In its June 18 Order, the Court dismissed said claim, finding plaintiff had failed to  
11 allege facts to support his conclusory assertion that a warrant attached to the SAC was  
12 invalid. Plaintiff was afforded leave to amend for purposes of alleging any such  
13 supporting facts.

14 In the TAC, plaintiff alleges the warrant is "facially invalid" because, according to  
15 plaintiff, it "bore a date of November 20, 2024, had no judicial case number, no affidavit,  
16 [and] no raised seal." (See TAC at 1.)<sup>2</sup> The warrant, however, was signed by a state  
17 court judge on March 27, 2025 (see TAC at 77), and was supported by the declaration of  
18 a social worker (see TAC at 75-76).<sup>3</sup> Further, plaintiff cites no authority, and the Court  
19 has located none, holding a warrant is invalid due to the lack of a "raised seal." Finally,  
20 although the warrant did not include a case number, as, apparently, a court action had  
21 not yet been filed, a "protective custody warrant" pursuant to § 340(b) of the California  
22 Welfare & Institutions Code, which is the type of warrant the social worker sought and

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24 <sup>1</sup> In citing to the TAC, the Court has used herein the page number affixed to the  
top of each page by this district's electronic filing program.

25 <sup>2</sup> The warrant is attached as an exhibit to the TAC. (See TAC at 75-77.)

26 <sup>3</sup> The social worker's declaration bears the notation "[s]igned on 11/22/2024" (see  
27 TAC at 76), which date, in light of other documents plaintiff has attached to the TAC (see  
TAC at 50-51), is an obvious typographical error, and, perhaps, is what lead to plaintiff's  
28 above-referenced incorrect allegation that the warrant itself bore a November 2024 date.

1 obtained, "may be issued without filing a [court action]" if the state court judge makes  
2 specified findings, see Cal. Welf. & Inst. Code § 340(b), which findings the state court  
3 made (see TAC at 77).<sup>4</sup>

4 Accordingly, plaintiff having failed to allege facts to show the warrant was invalid,  
5 his federal claim in Claim One will be dismissed without further leave to amend.

6 **2. Claim Based on Arrest**

7 In "Claim Two," plaintiff alleges that, on April 7, 2025, he was arrested for violating  
8 the terms of a restraining order. He alleges the arrest was "made without probable  
9 cause" and that, during the course of his arrest, the officers "broke the window of  
10 [p]laintiff's vehicle," which conduct, he alleges, constituted "excessive force." (See TAC  
11 at 2-3.) As set forth below, plaintiff has failed to allege sufficient facts to support either  
12 theory, and, accordingly, Claim Two will be dismissed without further leave to amend.

13 **a. Arrest**

14 In its June 18 Order, the Court found plaintiff had alleged facts in the SAC that  
15 established the officers "had probable cause to arrest plaintiff for violating the restraining  
16 order." (See June 18 Order at 3:22-4:16.) In the TAC, plaintiff alleges no additional facts  
17 regarding the arrest, and, consequently, for the reasons stated in the June 18 Order, the  
18 Court finds plaintiff has failed to allege facts to support a finding that the officers lacked  
19 probable cause to arrest him for violating the terms of the restraining order.

20 **b. Alleged Excessive Force**

21 In its June 18 Order, the Court found that, although circumstances might exist  
22 where an officer could be held liable for excessive force in connection with the breaking  
23 of a vehicle window, see *Coles v. Eagle*, 704 F.3d 624, 630 (9th Cir. 2012) (holding trier  
24 of fact could reasonably find officers, after breaking window and proceeding to drag  
25 suspect over broken glass while suspect was attempting to comply with "conflicting

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27 <sup>4</sup> The day following the detention of plaintiff's children, the social worker executed  
28 a "Detention Report" (see TAC at 45), after which three different state court proceedings  
were instituted, one proceeding for each of the three children (see, e.g., TAC at 31).

1 orders" to exit vehicle, engaged in excessive force), plaintiff did not allege any  
2 comparable circumstances and, consequently, failed to allege facts to support a finding  
3 that the officers would not be entitled to qualified immunity, see Keates v. Koile, 883 F.3d  
4 1228, 1235 (9th Cir. 2018) (holding plaintiff alleging civil rights claim must plead facts to  
5 support finding defendant's conduct "violated clearly established constitutional rights of  
6 which a reasonable officer would be aware in light of the specific context of the case,"  
7 i.e., facts that would "withstand[ ] a qualified immunity defense") (internal quotation and  
8 citation omitted); see, e.g., Holland v. Azevedo, 2016 WL 1754446, at \*8-\*11 (N.D. Cal.  
9 May 3, 2016) (finding no excessive force where plaintiff, who had refused to exit vehicle,  
10 brought claim based on officers' breaking car window, opening car door, and pulling  
11 plaintiff through open door; noting no "clearly established law" precluded their actions).

12 In the TAC, plaintiff alleges no additional facts regarding the circumstances  
13 occurring at the time of his arrest and, consequently, for the reasons stated in the June  
14 18 Order, the Court finds plaintiff has failed to allege facts to support a finding that the  
15 officers engaged in excessive force and/or would not be entitled to qualified immunity.

16 **3. "Brady" Claim**

17 In "Claim Three," plaintiff includes a claim that a sergeant with the Rohnert Park  
18 Police Department denied plaintiff's request to provide him "body-worn camera footage  
19 from the April 7, 2025 arrest," which denial, plaintiff asserts, deprived him of his rights  
20 under Brady v. Maryland, 373 U.S. 83 (1963). (See TAC at 3.)

21 In the June 18 Order, the Court found plaintiff failed to allege facts to support his  
22 conclusory assertion that said denial prejudiced his ability to defend himself and present  
23 exculpatory evidence, noting courts are "not bound to accept as true a legal conclusion  
24 couched as a factual allegation." (See June 18 Order at 7:28-8:2 (citing Ashcroft v. Iqbal,  
25 556 U.S. 662, 678 (2009).)<sup>5</sup>

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<sup>5</sup> Although not expressly alleged in the TAC, plaintiff, in the SAC, alleged he was a  
28 defendant in a pending criminal case.

1       In the TAC, plaintiff has added the conclusory assertion that the above-referenced  
2 footage "would have contradicted officer statements and supported his claim of no  
3 probable cause or excessive force." (See TAC at 3.) No facts, however, are alleged  
4 regarding the nature of any contradiction, and, consequently, plaintiff fails to cure the  
5 deficiency previously identified.

6       Accordingly, plaintiff having failed to allege facts to support a finding that the  
7 sergeant, or anyone else, violated Brady, his federal claim in Claim Three will be  
8 dismissed without further leave to amend.

9       **B. State Law Claims**

10       As set forth above, plaintiff has failed to state a cognizable federal claim. Under  
11 such circumstances, and given that the above-titled action remains at the pleading stage,  
12 the Court declines to exercise whatever supplemental jurisdiction it may have over  
13 plaintiff's state law claims, namely, his state law claim challenging the removal of his  
14 children (see Doc. No. 21 at 2) and his state law claim challenging the withholding of the  
15 above-referenced camera footage (see Doc. No. 21 at 15, 17); see also 28 U.S.C.  
16 § 1337(c)(3) (providing district court "may decline to exercise supplemental jurisdiction  
17 over a claim . . . if . . . the district court has dismissed all claims over which it has original  
18 jurisdiction"); Carnegie-Mellon University v. Cohill, 484 U.S. 343, 350 n.7 (1988) (holding  
19 "in the usual case in which all federal-law claims are eliminated before trial, the balance  
20 of factors to be considered under the [supplemental] jurisdiction doctrine – judicial  
21 economy, convenience, fairness, and comity – will point toward declining to exercise  
22 jurisdiction over the remaining state-law claims").

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## CONCLUSION

For the reasons stated above, the federal claims in the TAC are hereby DISMISSED without further leave to amend, and the state law claims in the TAC are hereby DISMISSED without prejudice to plaintiff's reasserting such claims in a state court proceeding.

The Clerk of Court is DIRECTED to close the file.

**IT IS SO ORDERED.**

Dated: December 2, 2025

Maxine M. Chesney  
MAXINE M. CHESNEY  
United States District Judge

United States District Court  
Northern District of California